

Title 434 WAC

SECRETARY OF STATE

Chapters

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 434-326 MOTOR VOTER

434-326-005	Authority and purpose. [98-08-010, recodified as § 434-326-005, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-010	Definitions. [98-08-010, recodified as § 434-326-010, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-015	Voter registration at driver license facilities. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-326-015, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-326-015, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-020	Registration procedure. [98-08-010, recodified as § 434-326-020, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-025	Obtaining additional information from the applicant. [98-08-010, recodified as § 434-326-025, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-030	Oaths and warnings. [98-08-010, recodified as § 434-326-030, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

434-326-035	Cancellation of previous name registration. [98-08-010, recodified as § 434-326-035, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-040	Transfer of information from the department of licensing to the secretary of state. [98-08-010, recodified as § 434-326-040, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-045	Weekly transmittal of data from the department of licensing to the secretary of state. [98-08-010, recodified as § 434-326-045, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-050	Transfer of data, and reports from the secretary of state to the county auditors. [98-08-010, recodified as § 434-326-050, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-055	Transfer of voter registration forms to counties. [98-08-010, recodified as § 434-326-055, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-060	Processing records received from the secretary of state. [98-08-010, recodified as § 434-326-060, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-065	Reimbursement of county auditors and the department of licensing for routine transaction costs. [98-08-010, recodified as § 434-326-065, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-326-900	Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. [98-08-010, recodified as § 434-326-900, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

Chapter 434-110 WAC CORPORATION FILING PROCEDURES AND SPECIAL FEES

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-110-060	In-person or expedited service—Special fees. [Statutory Authority: 1998 c 38 and RCW 43.07.120. 98-17-075, § 434-110-060, filed 8/18/98, effective 9/18/98. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-060, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-060, filed 10/1/93, effective 11/1/93.] Repealed by 07-20-065, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 43.07.400 and 9A.56.078.
434-110-075	Miscellaneous fees. [Statutory Authority: RCW 43.07.-120. 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05

and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269, 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.] Repealed by 07-20-065, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 43.07.400 and 9A.56.078.

Chapter 434-112 WAC

CORPORATIONS DIVISION AND CHARITIES PROGRAM SERVICES

WAC

434-112-010	Services provided by the corporations division and charities program.
434-112-085	Fees and penalties.
434-112-090	Miscellaneous fees.
434-112-100	State registered domestic partnerships.

WAC 434-112-010 Services provided by the corporations division and charities program. (1) The corporations division includes the corporations program and the charities program.

(2) The corporations program provides the following services:

- (a) Business filings under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW;
- (b) Nonprofit organization filings under Title 24 RCW;
- (c) Trademark registration under chapter 19.77 RCW;
- (d) Certification authority licensing under chapter 19.34 RCW, the Electronic Authentication Act;
- (e) Registration of international student exchange programs under chapter 19.166 RCW;
- (f) Registration under the Immigration Assistant Practices Act, chapter 19.154 RCW;
- (g) Apostilles under RCW 42.44.180;
- (h) Agent for service of process on motorists under RCW 46.64.040;
- (i) Agent for service of process on defendants in actions for recovery of damages for motor vehicle theft, as authorized by RCW 9A.56.078;

(j) Agent for service of process for those entities and under those circumstances listed in (a), (b), and (c) of this subsection;

(k) Registration of state registered domestic partnerships under chapter 26.60 RCW and RCW 43.07.400.

(3) The charities program provides the following services:

- (a) Registrations under the Charitable Solicitations Act, chapter 19.09 RCW including:
 - (i) Charitable organizations;
 - (ii) Commercial fund-raisers; and
 - (iii) Fund-raising contracts;
- (b) Registration of charitable trusts under chapter 11.110 RCW;
- (c) Publication of the trust directory; and
- (d) Agent for service of process for those entities and under those circumstances listed in (a) and (b) of this subsection.

[Statutory Authority: RCW 43.07.400 and 9A.56.078. 07-20-065, § 434-112-010, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].-315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-010, filed 1/23/04, effective 2/23/04.]

WAC 434-112-085 Fees and penalties. (1) For Washington registered profit domestic and foreign corporations, including profit cooperative associations, employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts and limited liability partnerships, fees and penalties are as follows:

(a) Articles of incorporation, certificates of formation, partnership agreements and other original filings, one hundred seventy-five dollars;

(b) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(c) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars;

(d) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(e) Articles of merger or exchange, twenty dollars for each listed company;

(f) Resignation of registered agent, twenty dollars;

(g) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(h) Registration, reservation, or transfer of name, thirty dollars;

(i) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(j) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(k) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign nonprofit corporations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and corporations under Title 24 RCW, fees and penalties are as follows:

(a) Articles of incorporation and other original filings, thirty dollars;

(b) Articles of amendment, restatement, or correction, twenty dollars;

(c) Articles of dissolution or certificate of withdrawal, no fee;

(d) Revocation of dissolution, twenty dollars;

(e) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five-dollar penalty;

(f) Articles of merger or exchange, twenty dollars for each listed corporation;

(g) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(h) Resignation of registered agent, twenty dollars;

(i) Registration, reservation, or transfer of reservation of name, twenty dollars;

(j) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(k) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a five-year registration or renewal, fifty dollars for each class in which the trademark is registered;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars for each class in which the trademark is reserved;

(e) For amendment of a trademark to add new classes of goods or services, fifty dollars for each class added by the amendment;

(f) Cancellation of trademark, no fee; and

(g) Other statement or report filed, ten dollars.

(4) For registration of a declaration of state registered domestic partnership, or registration of a notice of termination of state registered domestic partnership, fifty dollars each.

(5) Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 43.07.400 and 9A.56.078. 07-20-065, § 434-112-085, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].-315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-085, filed 1/23/04, effective 2/23/04.]

WAC 434-112-090 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Initial articles of incorporation, initial certificate of formation, other initial organizing document or any single document, ten dollars;

(c) Articles of incorporation, certificate of formation, other organizing documents including all subsequent amendments and restatements, twenty dollars;

(d) Copy of any filing related to a state registered domestic partnership, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty-page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated twenty dollars;

(c) Duplicate certificate twenty dollars.

(3) For additional certificates of registration or termination of a state registered domestic partnership, five dollars. For an additional or replacement state registered domestic partnership wallet card, ten dollars.

(4) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is fifteen dollars. This includes:

(a) A ten-dollar fee for verifying the signature of a notary or public official; and

(b) A five-dollar fee for providing a certificate under seal pursuant to RCW 47.03.120 (1)(b).

(5) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(6) For any service of process the fee is fifty dollars.

(7) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

[Statutory Authority: RCW 43.07.400 and 9A.56.078. 07-20-065, § 434-112-090, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].-315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-090, filed 1/23/04, effective 2/23/04.]

WAC 434-112-100 State registered domestic partnerships. (1) State registered domestic partnerships will be registered by the corporations program, in the corporations division of the office of the secretary of state.

(2) Declarations of state registered domestic partnerships, and notices of termination of state registered domestic partnerships may be submitted to the corporations division by mail, or in person. See WAC 434-112-020 for the corporations division address and hours of service.

(3) The document standards in WAC 434-112-040(5) apply to declarations of state registered domestic partnerships and to notices of termination of state registered domestic partnerships.

(4) At the time of registration of a declaration of state registered domestic partnership or of filing of a notice of termination of state registered domestic partnership the corporations division will provide to each state registered domestic partner:

(a) One original certificate of registration or termination. Further certificates or additional certificates requested after registration are available subject to the fees set forth in WAC 434-112-090.

(b) One wallet sized card documenting registration of the state registered domestic partnership.

(5) Registrations of state registered domestic partnerships are public records and all documents related to the registration are subject to public disclosure.

[Statutory Authority: RCW 43.07.400 and 9A.56.078. 07-20-065, § 434-112-100, filed 9/28/07, effective 10/29/07.]

Chapter 434-215 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

(Formerly chapter 434-228 WAC)

WAC

434-215-005	Filing information—Questionnaire—Compiling and dissemination.
434-215-020	Declaration of candidacy—Precinct committee officer.
434-215-025	Declaration of candidacy—Filing fee petitions.

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. Prior to March 1 of each year, the county auditor shall send a questionnaire to the

administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to April 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

[Statutory Authority: RCW 29A.04.611, 2006 c 344, 07-09-035, § 434-215-005, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.-611, 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610, 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. 02-09-007, recodified as § 434-215-005, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.-150 and 29.79.200, 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

WAC 434-215-020 Declaration of candidacy—Precinct committee officer. Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:

Filing Data For Office Use Only

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other	
Clerk/Cashier Initials _____		Voter Registration # _____	

DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

I, _____, declare that I am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) WA (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) WA (ZIP CODE)

(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in _____ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the _____ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot **exactly** as follows: _____

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X

(SIGNATURE OF CANDIDATE)

(DATE)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

[Statutory Authority: RCW 29A.04.611, 2006 c 344, 07-09-035, § 434-215-020, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611, 06-14-049, § 434-215-020, filed 6/28/06, effective 7/29/06. 02-09-007, recodified as § 434-215-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59, 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080, 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.]

WAC 434-215-025 Declaration of candidacy—Filing fee petitions. When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24-091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

[Statutory Authority: RCW 29A.04.611. 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

Chapter 434-219 WAC
PRESIDENTIAL PRIMARY
 (Formerly chapter 434-75 WAC)

WAC

434-219-050	Procedures to be followed when changing primary date.
434-219-060	Designation of candidates by secretary of state.
434-219-080	Petition process for ballot access.
434-219-100	Verification of signatures by secretary of state.
434-219-110	Determination of sufficiency.
434-219-115	Withdrawal.
434-219-120	Certification of candidates.
434-219-140	Party declarations.
434-219-150	Party declaration at the polling place.
434-219-155	Party declaration for absentee ballots.
434-219-185	Logic and accuracy tests.
434-219-190	Special election held in conjunction with the presidential primary.
434-219-210	Issuing polling place ballots.
434-219-230	Processing of absentee ballots.
434-219-240	Canvassing consolidated ballots that include a party checkbox.
434-219-250	Canvassing separate party ballots and consolidated ballots that do not include a party checkbox.
434-219-290	Certification of presidential primary by secretary of state.
434-219-310	Statutory recount provisions do not apply.
434-219-320	Transmittal of political party preference data and results to the major political parties.
434-219-330	Retention of election material.
434-219-340	Claims for reimbursement.

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

434-219-020	Definitions. [Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-020, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-020, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-070	Removal from list of designees. [Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-160	Political party and unaffiliated ballots—Arrangement. [Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-219-160, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-160, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-160, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04-611.
434-219-165	Incomplete ballot code on consolidated absentee ballot. [Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-165, filed 1/6/00, effective 2/6/00.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-170	Order of political parties. [Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-170, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-170, filed 1/6/00, effective 2/6/00.] Repealed by 07-24-044, filed

11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.

434-219-180 Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-180, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-180, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04-611.

434-219-220 Absentee ballots—Declarations—Instructions. [Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-220, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-220, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04-611.

434-219-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-260, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.

434-219-280 Votes not tabulated. [Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-280, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-280, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Repealed by 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-050, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

WAC 434-219-060 Designation of candidates by secretary of state. Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall compile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, the county auditors, the chairperson of each major political party, and each of the candidates whose names will be placed on the ballot at the presidential primary unless the candidate withdraws under WAC 434-219-115.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-060, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

WAC 434-219-080 Petition process for ballot access. Members of a major political party may petition the secretary of state, pursuant to the provisions of RCW 29A.56.030, to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-219-060. Petitions may be circulated for

signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-219-060. Such petitions must be filed with the secretary of state not later than sixty days prior to the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-080, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-080, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

WAC 434-219-100 Verification of signatures by secretary of state. Upon receipt of any nominating petition filed pursuant to WAC 434-219-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-219-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29A.72.230 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and any multiple signatures from the same voter. No signature may be rejected solely on the basis that it is not accompanied by the address or precinct name or number of the signer.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-100, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-100, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-100, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

WAC 434-219-110 Determination of sufficiency. In the event the secretary of state determines that the petition bears insufficient valid signatures, he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29A.56.030.

In the event the secretary of state determines the petition bears sufficient signatures, he or she shall add that candidate in the official certification of candidates to the county auditors.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-110, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

WAC 434-219-115 Withdrawal. Each candidate shall appear on the primary ballot unless, not later than fifty-two days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. The sec-

retary of state shall promptly notify the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-115, filed 11/30/07, effective 12/31/07.]

WAC 434-219-120 Certification of candidates. Immediately following the last day for candidates to withdraw, the secretary of state shall certify to the county auditors the final list of candidates who will appear on the presidential primary ballot.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-120, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-219-140 Party declarations. (1) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(3) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-140, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

WAC 434-219-150 Party declaration at the polling place. (1) At a polling place, the political party declaration may appear on either:

(a) A paper form of uniform size for each voter. The form shall identify the presidential primary, the major political party, and the date, and shall have space for the voter to sign his or her name and address. The voter's precinct shall be clearly indicated on the form. Multiple-part reproducible forms may be used for this purpose. The signed forms shall be collected by the precinct election officers and transmitted to the county auditor at the end of the voting day; or

(b) A format printed in the poll book which would permit the voter to sign his or her name and address and to indicate his or her political party affiliation, if any.

(2) The county auditor shall provide appropriate instructions for the precinct election officers regarding the handling, maintaining, and transportation of the political party declarations.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-150, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-150, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.]

WAC 434-219-155 Party declaration for absentee ballots. (1) Each political party declaration shall be printed on the return envelope with the standard absentee ballot oath required by WAC 434-250-050. Each declaration shall be printed with a checkbox for voters to indicate the party declaration to which they subscribe. The county auditor shall provide an instruction for the party declarations substantially similar to the following: "You must mark a party checkbox in order for your presidential primary vote to count. You may only select one party."

(2) The date and signature lines for the absentee ballot oath shall also serve as the date and signature lines for the political party declaration.

(3) In addition to other instructions normally provided to absentee voters, the county auditor shall ensure that voters are given specific instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-155, filed 11/30/07, effective 12/31/07.]

WAC 434-219-185 Logic and accuracy tests. The logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-335 WAC and RCW 29A.12.130.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-185, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-185, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a special election is scheduled concurrently with the presidential primary under RCW 29A.04.321 or 29A.04.330, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-190, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-219-210 Issuing polling place ballots. (1) Polling place voters who make a political party declaration shall be issued either that party's separate ballot or a consolidated ballot marked to match the party declaration.

(2) Polling place voters who do not make a political party declaration shall be presented either a separate nonpartisan ballot, or a consolidated ballot that is marked to indicate no party affiliation.

(3) Precinct election officers shall verbally remind voters how to properly vote the ballot consistent with the party declaration made.

(4) Following the election, a notation of political party must be made in the voter registration files of those polling place voters who made a political party declaration.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-210, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-210, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-210, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.]

WAC 434-219-230 Processing of absentee ballots. (1) If the voter checked a political party declaration on the absentee ballot return envelope, a notation of the party checked must be made in the voter's registration file.

(2) If the return envelope is not signed or the signature on the envelope does not match the signature on file, the county auditor must attempt to contact the voter as outlined in WAC 434-261-050. If the voter also failed to check a political party declaration, the county auditor must also provide the voter the opportunity to check a party declaration.

(3) The ballot must be sorted according to major party declaration choice before it is removed from the return envelope. Once the ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration on the return envelope.

(4) If the voter's signature is verified, the voter may be credited with having participated in the election, even if the voter failed to check a political party declaration.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-230, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-230, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-219-240 Canvassing consolidated ballots that include a party checkbox. If a county auditor issues consolidated ballots that include a party checkbox on the ballot, the following canvassing protocols must be followed:

(1) If a voter:

- (a) Signs a party declaration on the return envelope;
- (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
- (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.

(2) If a voter:

- (a) Signs a party declaration on the return envelope;
- (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
- (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.

(3) If a voter:

- (a) Signs a party declaration on the return envelope;
- (b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and
- (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.

(4) If a voter:

- (a) Signs a party declaration on the return envelope;
- (b) Checks a party box on the consolidated ballot for a different party than declared on the return envelope; and
- (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.

(5) If a voter:

- (a) Signs a party declaration on the return envelope;
- (b) Fails to check a party box on the consolidated ballot; and
- (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.

- (6) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot;
 and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (7) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (8) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (9) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (10) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and
 - (c) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (11) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot;
 and
 - (c) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (12) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (13) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.
- (14) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-240, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-240, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

WAC 434-219-250 Canvassing separate party ballots and consolidated ballots that do not include a party checkbox. If a county auditor issues either separate party ballots or consolidated ballots that do not include a party check-

box on the ballot, the following canvassing protocols must be followed:

- (1) If a voter:
 - (a) Signs a party declaration on the return envelope; and
 - (b) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (2) If a voter:
 - (a) Signs a party declaration on the return envelope; and
 - (b) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (3) If a voter:
 - (a) Signs a party declaration on the return envelope; and
 - (b) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (4) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.
- (5) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-250, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-250, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-250, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary fifteen days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than twenty-one days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-290, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-290, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-219-310 Statutory recount provisions do not apply. The provisions of chapter 29A.64 RCW regarding statutory recounts do not apply to a presidential primary.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-310, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-219-320 Transmittal of political party preference data and results to the major political parties. No later than thirty days following the presidential primary:

- (1) Upon request, each county auditor shall provide to the county committee of each major political party, at actual reproduction cost, the results of the presidential primary by precinct, and the names and addresses of voters registered in the county who signed a party oath for that party in a poll

book, or signed a party declaration for that party on a return envelope and the signature was verified.

(2) Upon request, the secretary of state shall provide to the state committees of each major political party, at actual reproduction cost, the names and addresses of all voters registered in the state who signed a party oath for that party in a poll book, or signed a party declaration for that party on a return envelope and the signature was verified.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-320, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

WAC 434-219-330 Retention of election material.

The county auditor shall maintain all presidential primary material, including ballot request forms, absentee ballot envelopes, poll books, and ballots, for a period of twenty-two months following the presidential primary. Sixty days following certification of the presidential primary by the secretary of state, the county auditor must remove from the voter registration files any record of party designation in the presidential primary.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-330, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-219-340 Claims for reimbursement. Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29A.04.410. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the presidential primary by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-219-340, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-340, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

Chapter 434-220 WAC PARTISAN PRIMARIES

WAC

434-220-020	Definitions.
434-220-030	Ballot layout and color—Consolidated ballots.
434-220-040	Ballot layout and color—Physically separate ballots.
434-220-060	Ballot programming—Consolidated ballots.
434-220-070	Polling place procedures—Physically separate ballots.
434-220-080	No record of political party affiliation.

WAC 434-220-020 Definitions. As used in this chapter:

(1) "Checkbox" means a voter response position on a consolidated ballot that allows a voter to affiliate with a major political party.

(2) "Consolidated ballot" is a single ballot that includes party checkboxes and lists the major political party candidates for partisan office of all major political parties, the candidates for nonpartisan office, and the ballot measures. The candidates for partisan office are listed by party, and each party is separated from the other parties. The candidates for nonpartisan office and the ballot measures are listed at the end of the ballot, after the partisan offices.

(3) "Nonpartisan ballot" means a ballot that includes nonpartisan offices listed in RCW 29A.52.231, and ballot measures.

(4) "Party affiliation" means:

(a) For a voter:

(i) On a consolidated ballot, selecting a party checkbox or voting in the partisan races for candidates of only one political party;

(ii) On physically separate ballots, voting one political party's ballot;

(b) For a write-in candidate for partisan office, filing as a write-in candidate as a member of a major political party.

(5) "Physically separate ballots" include party ballots for each major political party, and a nonpartisan ballot. Each party ballot lists the candidates for partisan office that have listed that party on the declaration of candidacy, as well as all candidates for the nonpartisan offices and the ballot measures.

(6) "Spot color" means coloring a portion of the ballot.

(7) "Void," when applied to unvoted ballots, means keeping the unvoted ballots in the sealed container in which they were deposited on election day.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-220-020, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-020, filed 6/28/06, effective 7/29/06.]

WAC 434-220-030 Ballot layout and color—Consolidated ballots. A county may choose to use a combination of both consolidated and physically separate ballots. County auditors may use spot coloring, shading, or colored printing to assist the voter in distinguishing between party sections. If color is used, blue must be used for the democratic party, and red must be used for the republican party. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of consolidated ballots:

(1) The party checkboxes must be listed before all offices and ballot measures, pursuant to RCW 29A.36.106. The checkboxes must be labeled "democratic party" and "republican party."

(2) Ballots must list partisan office candidates in columns or sections labeled "democratic party" and "republican party." The political party abbreviation after each candidate's name may be eliminated if the ballot layout clearly identifies the candidate's political party. If a party section spans multiple columns, the next party section must begin where the last party section ended, and there must be a well-defined division between the party sections. If all parties cannot be listed on the same side of the ballot, there must be a conspicuous explanation that additional parties are listed on the other side of the ballot.

(3) Ballots must list the nonpartisan offices and ballot measures separately in a column or section labeled "nonpartisan offices and measures."

(4) Ballot instructions must be printed on the ballot and include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"This ballot contains partisan offices, nonpartisan offices, and ballot measures. For the partisan offices, you may only vote for candidates of one political party.

1. If you want to vote for democratic candidates, (fill in the box, fill in the oval, connect the arrow, check the box) for the democratic party and vote the democratic section of the ballot. If you want to vote for republican candidates, (fill in the box, fill in the oval, connect the arrow, check the box) for the republican party and vote the republican section of the ballot. There will be no record of which party you select. You may not select both parties or vote for candidates of both parties.

2. Vote for nonpartisan offices and ballot measures. These votes **will** be counted, even if you do not select a political party."

(5) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot, in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

[Statutory Authority: RCW 29A.04.611, 07-20-074, § 434-220-030, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-030, filed 6/28/06, effective 7/29/06.]

WAC 434-220-040 Ballot layout and color—Physically separate ballots. A county may choose to use a combination of both consolidated and physically separate ballots. County auditors may use colored ballot stock, spot coloring, shading, or colored printing to assist the voter in distinguishing between the ballots. If colored ballot stock is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of physically separate ballots:

(1) A separate ballot must be produced for:

(a) The democratic party;

(b) The republican party; and

(c) The nonpartisan offices and ballot measures.

(2) Each physically separate ballot must have "democratic party," "republican party," or "nonpartisan offices and measures" printed on the ballot. In addition to the requirements of RCW 29A.36.121, each party ballot must list partisan offices first, then all nonpartisan offices and ballot measures. The political party abbreviation after each candidate's name may be eliminated if the ballot layout clearly identifies the candidate's political party. All ballots must be issued to each voter, both at the poll-site and to voters voting by mail or absentee.

(3) Ballot instructions must be printed on the ballot and must include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"You have been provided a democratic party ballot, a republican party ballot, and a third ballot that only lists the nonpartisan offices and ballot measures. Each party ballot lists the candidates of that party running for partisan office, as well as the candidates running for nonpartisan office and the ballot measures. The "nonpartisan offices and measures" ballot only lists the nonpartisan offices and ballot measures, and does **not** list any partisan offices.

You may only vote one ballot. There will be no record of which ballot you return.

If you want to vote for democratic candidates, vote the democratic ballot. If you want to vote for republican candidates, vote the republican ballot. If you do not want to affiliate with a political party, vote the "nonpartisan offices and measures" ballot."

(4) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot, in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

[Statutory Authority: RCW 29A.04.611, 07-20-074, § 434-220-040, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-040, filed 6/28/06, effective 7/29/06.]

WAC 434-220-060 Ballot programming—Consolidated ballots. (1) Before a county may use a consolidated ballot format, the ballot counting program must achieve the following:

(a) If a voter marks a party checkbox, partisan office votes for candidates of that party only may be counted, in addition to votes for the nonpartisan offices and ballot measures;

(b) If a voter marks a party checkbox, partisan office votes for candidates of the other party may not be counted;

(c) If a voter does not mark a party checkbox but votes in the partisan races for candidates of only one party, the partisan office votes may be counted, in addition to the nonpartisan offices and ballot measures;

(d) If a voter does not mark a party checkbox and votes in the partisan races for candidates of both political parties, no votes for partisan office may be counted but votes for nonpartisan office and ballot measures may be counted;

(e) If a voter marks both party checkboxes, no votes for partisan office may be counted but votes for nonpartisan office and ballot measures may be counted; and

(f) In the case of direct recording electronic devices, the voter must be allowed to select one party on the first screen, and have only the ballot for the party selected appear to the voter.

(2) If an optical scan ballot counting program cannot use the checkbox to eliminate invalid votes for each of the situations listed in this section, all ballots must be inspected for those marks that cannot be read correctly. Improperly marked ballots must be duplicated to ensure invalid votes are not counted. In the case of precinct ballot counters, ballots must be inspected after they have been returned from the polls. As part of the canvassing process, the county auditor

must take appropriate steps to amend the unofficial precinct count totals to reflect the correct count.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-220-060, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-060, filed 6/28/06, effective 7/29/06.]

WAC 434-220-070 Polling place procedures—Physically separate ballots. (1) In a county using physically separate ballots, poll workers must give each voter a party ballot for each major political party and a nonpartisan ballot. The county auditor must number the ballot stubs in a manner so that it cannot be determined which ballot was cast by the voter. The poll workers must instruct the voter to choose one ballot to vote. The remaining two ballots must be deposited into an "unvoted ballots" container secured with a numbered seal. The voter may select a single ballot and deposit the other ballots in the "unvoted ballots" container prior to entering the voting booth, or may deposit the unvoted ballots after leaving the voting booth. Regardless of when the ballot selection is made, the poll workers must ensure that only one ballot is deposited in the ballot box and the remaining ballots are deposited into the "unvoted ballots" container. The privacy of the ballot selection by the voter must be maintained. The ballot stub must be removed and placed into the ballot stub envelope before the voted ballot is deposited into the ballot box.

(2) The "unvoted ballots" container must remain sealed and be returned to the county auditor with the supplies and voting materials.

(3) If a voter spoils a ballot and wishes to correct the error, the ballot must be returned to the poll worker and placed into the spoiled ballot envelope. The poll worker must issue a new set of ballots, consisting of each major political party's ballot and the nonpartisan ballot. The ballot stub number must be recorded in the poll book.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-220-070, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-070, filed 6/28/06, effective 7/29/06.]

WAC 434-220-080 No record of political party affiliation. Pursuant to RCW 29A.44.231, no record of the political party selected by the voter may be made. This prohibition includes poll workers, political observers and any other person who may be present while voting or ballot processing is taking place. The use of devices such as telephones, cameras, or recording devices to report, track, or monitor a voter's party selection is prohibited.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-220-080, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-220-080, filed 6/28/06, effective 7/29/06.]

Chapter 434-230 WAC

BALLOTS

(Formerly chapter 434-30 WAC)

WAC

434-230-060	Primary votes required for appearance on general election ballot.
434-230-160	Poll-site voting instructions.
434-230-170	Ballot form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-230-180 Paper ballots and ballot cards—Numbering. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-180, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.] Repealed by 07-09-036, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611.

WAC 434-230-060 Primary votes required for appearance on general election ballot. Following any nonpartisan primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

Following any partisan primary, no major political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office. The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on *Libertarian Party v. Sam Reed*, Thurston County Superior Court No. 04-2-01974-2 (2004).

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-230-060, filed 11/30/07, effective 12/31/07; 06-14-049, § 434-230-060, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.]

WAC 434-230-160 Poll-site voting instructions. The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to correctly cast votes on issues and candidates, including write-in votes.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-230-160, filed 11/30/07, effective 12/31/07; 06-14-049, § 434-230-160, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-230-160, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-230-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.]

WAC 434-230-170 Ballot form. Each office on the ballot shall be identified, along with a statement designating how many candidates may be voted on for such office. The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation or abbreviation as certified by the secretary of state as provided in RCW 29A.36.011 or the word "nonpartisan," or "NP" as applicable. When choosing to use abbreviations, the county auditor must provide a legend on each ballot defining all abbreviations. In a partisan primary, candidates shall be listed by political party as provided in chapter 434-220 WAC. Each office listed on the ballot shall be separated by a bold

line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together with one vote response position for each party, where the voter may indicate his or her choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-230-170, filed 10/1/07, effective 11/1/07; 07-09-036, § 434-230-170, filed 4/11/07, effective 5/12/07; 06-14-049, § 434-230-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-170, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.-020. 00-11-042, § 434-230-170, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-170, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.]

Chapter 434-235 WAC

SERVICE AND OVERSEAS VOTERS

WAC

434-235-010	Scope.
434-235-020	Voter registration.
434-235-030	Absentee voting.
434-235-040	Processing absentee ballots.

WAC 434-235-010 Scope. (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff, and the provisions for service and overseas voters in Title 29A RCW.

(2) Uniformed service voter is defined in 42 U.S.C. Sec. 1973ff-6(1) as:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under 42 U.S.C. Sec. 1973ff-6 while in active service;

(b) Is a student or member of the faculty at a United States military academy;

(c) Is a member of the merchant marine of the United States;

(d) Is a program participant as defined in RCW 40.24.020; or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) Overseas voter is defined in 42 U.S.C. Sec. 1973ff-6(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(5) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States or the District of Columbia.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-235-010, filed 10/1/07, effective 11/1/07.]

WAC 434-235-020 Voter registration. (1) A uniformed, service, or overseas voter may register to vote by providing:

(a) A voter registration application issued by the state of Washington;

(b) A federal post card application issued by the federal voting assistance program;

(c) A federal write-in absentee ballot issued by the federal voting assistance program;

(d) A national mail voter registration form issued by the election assistance commission; or

(e) An absentee ballot with a valid signature on the return envelope oath.

(2) Pursuant to RCW 29A.40.010, a uniformed, service, or overseas voter does not have to be registered in order to request an absentee ballot. Consequently, a uniformed, service, or overseas voter may request a ballot and be registered after the registration deadlines of RCW 29A.08.140, 29A.08.145, and WAC 434-324-075 have passed.

(a) If the voter is not previously registered, the county auditor must register the voter immediately. The voter must be flagged in the voter registration system accordingly.

(b) A voter who registers to vote by signing the return envelope of the absentee ballot is not required to provide a driver's license number, Social Security number or other form of identification as outlined in RCW 29A.08.113.

(c) If the county auditor is unable to precinct the voter due to an incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application. If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the absentee ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. Upon its return, the ballot must be referred to the county canvassing board. The only offices and issues that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the auditor's office. Such registrations are only valid for the primary or election for which the ballot was issued. If

the actual precinct is not determined before the next primary or election, the registration must be canceled.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-235-020, filed 10/1/07, effective 11/1/07.]

WAC 434-235-030 Absentee voting. (1) A uniformed, service, or overseas voter may request or return an absentee ballot by:

- (a) Any manner authorized by WAC 434-250-030;
- (b) A federal post card application issued by the federal voting assistance program; or
- (c) A federal write-in absentee ballot issued by the federal voting assistance program.

(2) Pursuant to RCW 29A.40.070, absentee ballots issued to registered uniformed, service, or overseas voters must be mailed at least thirty days prior to the election or primary. Requests for absentee ballots received after that day must be processed immediately.

(3) The county auditor may issue an absentee ballot by mail, e-mail, fax, or other means as specifically requested by the voter.

(4) If a voters' pamphlet for that primary or election is available, the county auditor must include a voters' pamphlet with the absentee ballot.

(5) If the county auditor is unable to issue an absentee ballot due to insufficient information, the county auditor must attempt to contact the voter to clarify the request. If the county auditor is unable to obtain sufficient information to issue the absentee ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.

(6) Pursuant to RCW 29A.40.150, the secretary of state must furnish envelopes and instructions for absentee ballots issued to uniformed, overseas and service voters. Absentee ballots issued to voters in these categories must be mailed postage-free, and return envelopes must be marked to indicate that they may be returned postage-free. For purposes of RCW 29A.40.150, service voters do not include participants of the address confidentiality program established in chapter 40.24 RCW.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-235-030, filed 10/1/07, effective 11/1/07.]

WAC 434-235-040 Processing absentee ballots. (1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absentee ballot or a special absentee ballot if the intention of the voter can be ascertained.

(2) The absentee ballots referred to in this section must be received prior to certification of the election or primary. The date on the envelope associated with the voter's signature, rather than the postmark on the envelope, determines the validity of the ballot. The signature on the oath must be dated no later than election day. An absentee ballot returned electronically is invalid until the original is received.

(3) The county auditor must provide statistics on voting by uniformed, service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-235-040, filed 10/1/07, effective 11/1/07.]

Chapter 434-250 WAC

VOTING BY MAIL

WAC

434-250-030	Applications.
434-250-040	Instructions to voters.
434-250-045	Voters requiring verification of identity.
434-250-050	Ballot materials.
434-250-070	Forwarding ballots.
434-250-100	Ballot deposit sites and voting centers.
434-250-130	Maintenance of an audit trail.
434-250-310	Notice of elections by mail.
434-250-320	Ballot deposit sites and voting centers in mail elections.
434-250-330	County auditor's office as a voting center.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-250-060	Service and overseas voters. [Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-250-060, filed 11/15/06, effective 12/16/06; 06-14-050, § 434-250-060, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-060, filed 8/19/05, effective 9/19/05.] Repealed by 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.
434-250-340	Manual count of selected precincts. [Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-250-340, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-340, filed 12/28/05, effective 1/28/06.] Repealed by 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.

WAC 434-250-030 Applications. (1) As authorized by RCW 29A.40.040, requests for status as an ongoing absentee voter must be made in writing. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

- (a) A space for the voter to print his or her name and the address at which he or she is registered to vote;
- (b) The address to which the ballot is to be mailed; and
- (c) A space for the voter to sign and date the application.

A voter may request status as an ongoing absentee voter by indicating such on a standard voter registration form.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, or in writing, and may be made by a family member. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

- (a) A space for the voter to print his or her name and the address at which he or she is registered to vote;
- (b) The address to which the ballot is to be mailed;
- (c) A space for the voter to indicate for which election or elections the application is made; and
- (d) A space for the voter to sign and date the application.

(3) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

- (a) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington; and

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible.

The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-040 Instructions to voters. (1) In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning an absentee ballot must also include:

(a) How to correct a ballot by crossing out the incorrect vote and voting the correct choice;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an over-vote and no votes for that office or ballot measure will be counted;

(c) Notice that, if a voter has signed or otherwise identified himself or herself on a ballot, the ballot will not be counted;

(d) How to complete and sign the affidavit on the return envelope;

(e) How to make a mark, witnessed by two other people, if unable to sign the affidavit;

Dear Voter:

[date]

Based on your recent registration, federal law requires that you provide identification with your ballot. **If you fail to provide identification, your ballot will not be counted.**

Please provide a copy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document that shows both your name and address.

You may return the photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the _____ County Auditor's Office at _____.

(f) How to place the ballot in the security envelope and place the security envelope in the return envelope;

(g) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Notice that postage is required, if applicable; and

(i) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated deposit site no later than election day; and

(j) How a voter can learn about the locations, hours, and services, of voting centers and ballot deposit sites, including the availability of accessible voting equipment.

County auditors may use existing stock of absentee ballot instructions until December 1, 2008.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-250-040, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-250-040, filed 4/11/07, effective 5/12/07; 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.]

WAC 434-250-045 Voters requiring verification of identity. (1) If the voter registration record of an absentee voter is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.

(2) The notice to the absentee voter must be in substantially the following form:

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the election, the flag on the voter registration record must be removed and the ballot must be counted.

(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot may not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election may not be counted but the flag on the voter registration record must be removed.

[Statutory Authority: RCW 29A.04.611. 07-02-100, § 434-250-045, filed 1/3/07, effective 2/3/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-250-050 Ballot materials. In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each absentee ballot must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

I do solemnly swear or affirm under penalty of perjury that:

I am a citizen of the United States;

I am a legal resident of the state of Washington;

I will be at least 18 years old on or before election day;

I am not presently denied my voting rights as a result of being convicted of a felony;

I have not been judicially declared mentally incompetent;

I have not already voted in this election; and

I understand it is illegal to cast a ballot or sign a ballot envelope on behalf of another voter.

Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature _____ Date _____

The return envelope must include space for witnesses to sign.

The return envelope must conform to postal department regulations.

County auditors may use existing stock of absentee envelopes until December 1, 2008.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-250-050, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-250-050, filed 4/11/07, effective 5/12/07; 05-17-145, § 434-250-050, filed 8/19/05, effective 9/19/05.]

WAC 434-250-070 Forwarding ballots. (1) If the county auditor chooses not to forward ballots, the envelope must clearly indicate the ballot is not to be forwarded.

(2) If the county auditor chooses to forward absentee ballots, as authorized by RCW 29A.40.091, the county auditor must include with the ballot an explanation of qualifications necessary to vote and instructions substantially similar to the following:

If you have changed your permanent residence address, please contact your county auditor to ensure the ballot you receive in future elections contains the races and issues for your residential address. If you have any questions about your eligibility to vote in this election, please contact your county auditor.

The above instructions and the explanation required by RCW 29A.40.091 may be provided on the ballot envelope, on an enclosed insert, or on the ballot itself. Auditors must begin to provide the above instruction to voters no later than January 1, 2008. The county auditor must utilize postal service endorsements that allow:

(a) The ballots to be forwarded;

(b) The county auditor to receive from the post office the addresses to which ballots were forwarded; and

(c) The return of ballots that were not capable of being forwarded.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-070, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-070, filed 5/30/07, effective 6/30/07; 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

WAC 434-250-100 Ballot deposit sites and voting centers. (1) If a location only receives ballots and does not issue any ballots, it is considered a ballot deposit site. Ballot deposit sites may be staffed or unstaffed.

(a) If a ballot deposit site is staffed, it must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If two or more deposit site staff are persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of their duties. Staffed deposit sites open on election day must be open from 7:00 a.m. until 8:00 p.m. Staffed deposit sites may be open prior to the election according to dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board.

(b) Unstaffed ballot deposit sites consist of secured ballot boxes that allow return envelopes, once deposited, to only be removed by authorized staff. Ballot boxes located outdoors must be constructed of durable material able to withstand inclement weather, and be sufficiently secured to the ground or another structure to prevent their removal. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot box with sufficient

frequency to prevent damage and unauthorized access to the ballots.

(2) If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers. Each voting center must:

(a) Be posted according to standard public notice procedures;

(b) Be an accessible location consistent with chapters 29A.16 RCW and 434-257 WAC;

(c) Be marked with signage outside the building indicating the location as a place for voting;

(d) Offer disability access voting;

(e) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

(f) Record the name, signature and other relevant information for each voter who votes on a direct recording electronic voting device in such a manner that the ballot cannot be traced back to the voter;

(g) Request identification, consistent with RCW 29A.44.205 and WAC 434-253-024, from each voter voting on a direct recording electronic voting device or voting a provisional ballot;

(h) Issue a provisional ballot to each voter who is unable to provide identification in accordance with (g) of this subsection;

(i) Have electronic or telephonic access to the voter registration system consistent with WAC 434-250-095 if voters are voting on a direct recording electronic voting device;

(j) Provide either a voters' pamphlet or sample ballots;

(k) Provide voter registration forms;

(l) Display a HAVA voter information poster;

(m) Display the date of that election;

(n) Provide instructions on how to properly mark the ballot;

(o) Provide election materials in alternative languages if required by the Voting Rights Act; and

(p) Use an accountability form to account for all ballots issued.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or sealed to prevent the deposit of additional ballots.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

WAC 434-250-130 Maintenance of an audit trail.

Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots, which shall include, but not be limited to, the following:

(1) A record of the date each absentee ballot application was received, the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for an absentee ballot that was not honored;

(4) A record of the disposition of each returned absentee ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met; and

(6) A documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-250-130, filed 5/30/07, effective 6/30/07; 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

WAC 434-250-310 Notice of elections by mail. (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty-seven days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than seventy-nine days before the primary date.

(3) In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311, a county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state:

(a) The election will be conducted by mail and regular polling places will not be open;

(b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;

(c) The location where voters may obtain replacement ballots;

(d) Return postage is required;

(e) The dates, times and locations of designated deposit sites and voting centers.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.]

WAC 434-250-320 Ballot deposit sites and voting centers in mail elections. A county auditor conducting a county-wide election entirely by mail must provide at least two locations to deposit ballots. These locations may be either a ballot deposit site or a voting center, as defined in WAC 434-250-100. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-320, filed 10/1/07, effective 11/1/07; 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]

WAC 434-250-330 County auditor's office as a voting center. (1) For elections conducted entirely by mail, the county auditor's office must operate as a voting center beginning the day that ballots are mailed to voters, excluding Saturdays, Sundays, and legal holidays.

(2) If the persons providing services at the county auditor's office are not employees of the county auditor's office but are persons appointed by the county auditor, the appointees must be representatives of different major political parties and must subscribe to an oath regarding the discharge of duties.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-330, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-330, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.]

Chapter 434-253 WAC

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION (Formerly chapter 434-53 WAC)

WAC

434-253-020	Polling place—Election supplies.
434-253-024	Poll book of registered voters.
434-253-025	Polling place—Items to be posted.
434-253-045	Provisional ballots—Required information.
434-253-047	Provisional ballots—Disposition.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-253-055	Identification. [Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-055, filed 8/19/05, effective 9/19/05.] Repealed by 07-02-100, filed 1/3/07, effective 2/3/07. Statutory Authority: RCW 29A.04.611.
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WAC 434-253-020 Polling place—Election supplies.

Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Voting instruction signs;
- (8) Challenge and provisional ballots and envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope;
- (15) Emergency plan of action;
- (16) Either sample ballots or voters' pamphlets;
- (17) HAVA voter information poster;
- (18) A sign listing the date of the election and the hours of voting on election day;

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(19) Voter registration forms; and

(20) For partisan primaries in counties using physically separate ballots, an "unvoted ballots" container with a numbered seal.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-253-020, filed 10/1/07, effective 11/1/07; 06-14-049, § 434-253-020, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.]

WAC 434-253-024 Poll book of registered voters. (1)

Poll books must be printed utilizing information from the official statewide voter registration data base. The poll book of registered voters must contain the name, residence address, sex, month and day of birth, and county voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names must be listed alphabetically by last name. The list must contain a space for each voter to sign his or her name and to verify his or her current address, and a space for the inspector or judge to credit the voter with having participated in a particular election.

(2) The auditor may eliminate from poll books ongoing absentee voters and voters requesting absentee ballots for that election. The poll book must clearly indicate whether or not absentee voters are included on the list. If they are included, a notation must be made next to each absentee voter's name.

(3) The list must include a notation for each provisionally registered voter who failed to satisfy the identity verification requirement during the registration process. Such a voter must be issued a provisional ballot, and the reason for the provisional ballot must be marked on the outer envelope, unless the voter first shows one of the following forms of identification, in which case the voter may be issued a regular ballot:

- (a) Valid photo identification;
- (b) A valid enrollment card of a federally recognized tribe in Washington;
- (c) A current utility bill;
- (d) A current bank statement;
- (e) A current government check;
- (f) A current paycheck; or
- (g) A government document that shows both the voter's name and address, other than a voter registration card.

(4) All voters must show one of the following forms of identification before signing the poll book:

- (a) Valid photo identification, such as a driver's license, state identification card, student identification card, or tribal identification card;
- (b) A voter registration card;
- (c) A current utility bill;
- (d) A current bank statement;
- (e) A current paycheck;
- (f) A government check; or
- (g) Another government document.

Any individual who cannot provide one of the above forms of identification must be issued a provisional ballot.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-253-024, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-253-024, filed 1/3/07, effective 2/3/07; 05-24-039, § 434-253-024, filed 11/30/05, effective 12/31/05.]

WAC 434-253-025 Polling place—Items to be posted.

The following items must be posted or displayed at each polling place while it is open:

- (1) United States flag;
- (2) HAVA voter information poster;
- (3) A sign listing the date of the election and the hours of voting on election day;
- (4) Voting instructions printed in at least 16 point bold type;
- (5) Either sample ballots or voters' pamphlets;
- (6) Voter registration forms;
- (7) Election materials in alternative languages if so required by the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and
- (8) Any other items the county auditor deems necessary.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-253-025, filed 10/1/07, effective 11/1/07; 05-17-145, § 434-253-025, filed 8/19/05, effective 9/19/05.]

WAC 434-253-045 Provisional ballots—Required information. A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state. At a minimum, the following information is required to be printed on the outer ballot envelope:

- (1) Name of voter.
- (2) Voter's registered address both present and former if applicable.
- (3) Voter's date of birth.
- (4) Reason for the provisional ballot.
- (5) Polling place and precinct number, if applicable, at which voter voted.
- (6) Sufficient space to list disposition of the ballot after review by the county auditor.
- (7) The following affidavit with a place for the voter to sign and date:

I do solemnly swear or affirm under penalty of perjury that:

- I am a citizen of the United States;
- I am a legal resident of the state of Washington;
- I will be at least 18 years old on or before election day;
- I am not presently denied my voting rights as a result of being convicted of a felony;
- I have not been judicially declared mentally incompetent;
- I have not already voted in this election;
- and
- I understand it is illegal to cast a ballot or sign a ballot envelope on behalf of another voter.

Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature _____ Date _____

County auditors may use existing stock of absentee envelopes until December 1, 2008.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-253-045, filed 11/30/07, effective 12/31/07; 06-23-094, § 434-253-045, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-045, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-045, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-045, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-045, filed 3/12/02, effective 4/12/02.]

WAC 434-253-047 Provisional ballots—Disposition.

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election.

A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record.

Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the supervisor of elections for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fifteen calendar days after a general election, and as soon as possible if past that date.

(6) If an absentee voter who voted a provisional ballot at the polls has already returned a voted absentee ballot, the provisional ballot is not counted. If the absentee voter who voted a provisional ballot at the polls has not returned a voted absentee ballot, the provisional ballot is counted. If a voted absentee ballot is returned after the provisional ballot has been counted, the absentee ballot is not counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification at the polls as required by RCW 29A.44.205 and pursuant to WAC 434-253-024(4), the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

(9) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-253-047, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-253-047, filed 1/3/07, effective 2/3/07; 05-17-145, § 434-253-047, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-047, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-047, filed 3/12/02, effective 4/12/02.]

Chapter 434-260 WAC

ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

(Formerly chapter 434-60 WAC)

WAC

434-260-030	Scheduled reviews—Auditor request.
434-260-040	Election reviews—Secretary of state to designate.
434-260-165	Response to draft special review recommendations.
434-260-170	Distribution of special review recommendations and response.
434-260-240	Mandatory orientation.

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-260-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than May 15 the secretary of state shall notify, in writing, the counties selected for an election review and the chairs of the state committees of any major political party. The notification shall include the date and time the review is scheduled to begin. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

[Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-260-040, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

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WAC 434-260-165 Response to draft special review recommendations. The county auditor or the county canvassing board must respond, in writing, to the draft election special review recommendations, listing the steps that have been taken or that will be taken to correct any problems listed in the report. Such a response shall be submitted to the review staff not later than ten days following the issuance of the draft special review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-260-165, filed 5/30/07, effective 6/30/07.]

WAC 434-260-170 Distribution of special review recommendations and response. The review staff shall, after the county auditor and county canvassing board have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within twenty-five working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-260-170, filed 5/30/07, effective 6/30/07; 06-14-050, § 434-260-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.]

WAC 434-260-240 Mandatory orientation. (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of at least eight hours of training in election-related subjects.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-260-240, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

Chapter 434-261 WAC

COUNTING CENTER PROCEDURES

(Formerly chapter 434-61 WAC)

WAC

434-261-005	Definitions.
434-261-055	Returned ballot lacking verification of identity.

434-261-070 Manual inspection of ballots.
 434-261-075 Votes on something other than a ballot.
 434-261-086 Statewide standards on what is a vote.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-261-055, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-261-055, filed 1/3/07, effective 2/3/07.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-261-060 Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.] Repealed by 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.-611.

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic image of the ballot. The original ballot may not be altered in any way;

(3) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(5) "Valid signature" on a ballot envelope for a registered voter eligible to vote in the election is:

(a) A signature verified against the signature in the voter registration file; or

(b) On an absentee ballot envelope, a mark with two witnesses.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-261-005, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-261-005, filed 4/11/07, effective 5/12/07; 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-055 Returned ballot lacking verification of identity. If a voter who is provisionally registered and must still verify his or her identity as part of the registration process votes an absentee or provisional ballot without providing adequate identification, the ballot cannot be counted unless the voter provides adequate identification no later than the day before certification of the election.

WAC 434-261-070 Manual inspection of ballots. (1)

Upon receiving absentee ballots and upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot is readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29A.44.340 are in effect.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, the county auditor shall refer such ballots to the county canvassing board to be counted according to the statewide standards on what is a vote, as provided in WAC 434-261-086. The county canvassing board shall make the final determination of voter intent for ballots not addressed in the statewide standards on what is a vote.

(4) The county canvassing board may delegate duplication of the ballots consistent with RCW 29A.60.140.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-261-070, filed 5/30/07, effective 6/30/07; 06-11-042, § 434-261-070, filed 5/10/06, effective 6/10/06; 05-17-145, § 434-261-070, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-261-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

WAC 434-261-075 Votes on something other than a ballot. If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

(1) Only votes for offices or measures for which the voter is eligible are counted.

(2) The candidate or measure response position for which the voter is voting can be clearly identified.

(3) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(4) A valid signature on an absentee oath is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-261-075, filed 5/30/07, effective 6/30/07; 06-14-047, § 434-261-075, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-261-075, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-075, filed 3/12/02, effective 4/12/02.]

WAC 434-261-086 Statewide standards on what is a vote. (1) Pursuant to 42 U.S.C. § 15481(a)(6) and *Bush v. Gore*, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.

(a) Target area. Any marks made in the target area shall be counted as valid votes. Any marks made outside of the tar-

get area will only be valid if they fulfill the consistent pattern requirements in (b) of this subsection. Exceptions:

- (i) Obvious stray marks.
- (ii) Hesitation marks.
- (iii) Parts of written notes.
- (iv) Corrected votes, according to the instructions printed on the ballot or written instructions provided by the voter, which may include arrows, circles, and written words.
- (b) Consistent pattern. Marks made outside of the target area shall only be counted as valid votes if a consistent pattern of marks is used throughout the whole ballot. This means that all races and issues for which the voter has indicated a choice must have the same mark. If some marks are in the target area and some are not, but the same *type* of mark is used throughout the whole ballot, they shall all be counted as valid votes.
- (c) Corrected votes. If more than one target area is marked, it is not an overvote if the voter has followed the instructions for correcting a vote and marked another choice.
- (d) Not a correction. If the voter has both marked a choice correctly and *also* placed an 'X' in the same target area, but has not marked a second target area as if attempting to correct the vote, it shall be counted as a valid vote.
- (e) Written instructions. If the voter has attempted to correct a vote and provides written instruction on his or her intent, it shall be counted as the voter instructed. Written instruction includes words, circles, or arrows.
- (f) Identifying marks. Ballots that have a legible signature, address sticker or address stamp anywhere on the ballot, other than a write-in line, must be rejected. Initials or illegible signatures do not disqualify a ballot.
- (g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted.
- (h) No bubble. If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.
- (i) Already on the ballot. If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.
- (j) Name variations. If a write-in vote is cast for a *declared* write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.
- (k) Mystery write-in. If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid vote, even though it may be tallied as a write-in vote by the tabulation system.
- (l) Mystery write-in with a candidate. If a candidate's target area is marked, *and* the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.
- (m) Name combinations. If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall NOT be counted as a vote for either printed candidate, but rather shall be counted as a valid vote for the name as written.

(n) Write-in overvote. If a candidate's target area is marked and something other than that candidate's name is written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. This applies whether or not the target area for the write-in is marked.

(o) Not eligible. A write-in vote for a race that does not appear on the ballot is for a race on which the voter is not eligible to vote, and shall not be counted.

Exception: If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.

(p) Write-in in the wrong place. A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.

(q) Messy marks. When otherwise valid votes marked for a candidate partially extend into the response area of another candidate, it shall be counted as a vote if most of the mark is in the proper area and intent can easily be discerned.

(r) Pattern of partisan voting. Voter intent in any single contest shall not be determined based on a pattern of partisan voting on the ballot.

(s) Anything else. Voter intent on any questionable marks not explicitly falling within the parameters of the rules in this manual must be determined by county canvassing boards, operating under all applicable laws of the state of Washington and the rules of the canvassing board manual.

(2) The secretary of state shall publish an illustrated version of these standards in each optical scan and digital scan voting system used in the state. The secretary of state shall distribute the illustrated version to each county canvassing board and post it on the web site.

(3) The secretary of state shall periodically review and update the manual as necessary, and seek input from county canvassing boards and other interested parties to ensure that the standards remain current and comprehensive.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-261-086, filed 5/30/07, effective 6/30/07.]

Chapter 434-262 WAC

CANVASSING AND CERTIFICATION

(Formerly chapter 434-62 WAC)

WAC

434-262-020	Preliminary abstract of votes.
434-262-030	County auditor's abstract of votes.
434-262-031	Rejection of ballots or parts of ballots.
434-262-105	Audit of results of votes cast on direct recording electronic device.
434-262-132	Election results for multicounty candidate races.
434-262-133	Election results for multicounty local ballot measures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-262-106	Machine recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-106, filed 11/30/05, effective 12/31/05.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-262-108	Manual recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611.

05-24-040, § 434-262-108, filed 11/30/05, effective 12/31/05.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

WAC 434-262-020 Preliminary abstract of votes.

Following the election and prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. Provisional ballot results must be combined with precinct results.

(1) The preliminary abstract of votes must list separately for each precinct:

(a) Votes cast by absentee or mail ballot and votes cast at the polls;

(b) Votes cast for and against measures;

(c) Votes cast for candidates; and

(d) Overvotes and undervotes.

(2) Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots.

(3) The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

[Statutory Authority: RCW 29A.04.611. 07-09-036, § 434-262-020, filed 4/11/07, effective 5/12/07; 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-030 County auditor's abstract of votes. No later than the fifteenth day following any primary or special election and the twenty-first day following any general election the county canvassing board shall meet and canvass all ballots. Upon completion of this canvass, the board shall direct the county auditor to prepare the auditor's abstract of votes as defined by WAC 434-262-010. The reconciliation of absentee and vote by mail ballots must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received. In addition, county auditors must provide any additional information necessary to explain variances between the number of ballots counted compared to the number of ballots received and credited. The oaths and the reconciliation report must be substantially similar to the following:

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

County Auditor or Supervisor of Elections

Chairman, County Legislative Authority

 Election
(insert date)

NOTE: Address confidentiality program participants must be included with service voters.

Total number of active registered voters in all precincts _____

Total number of inactive registered voters in all precincts _____

Total registered voters in all precincts _____

Total poll site ballots counted (includes poll site and provisional ballots) _____

Total Ballots counted _____

The total number of absentee/VBM ballots originally issued	
The total number of absentee/VBM ballots received	
The total number of absentee/VBM ballots rejected	
The total number of absentee/VBM ballots counted	

Federal Write-In Ballots

The total number of federal write-in ballots counted _____

Out-of-State, Overseas, and Service Voters

The total number of out-of-state, overseas, and service voters' ballots issued _____

The total number of out-of-state, overseas, and service voters' ballots received _____

The total number of out-of-state, overseas, and service voters' ballots rejected _____

The total number of out-of-state, overseas, and service voters' ballots counted _____

Provisional Ballots

The total number of provisional ballots issued (by this county) _____

The total number of provisional ballots rejected (includes sending to other counties) _____

The total number of provisional ballots received from other counties _____

The total number of provisional ballots counted _____

Certification of the Canvassing Board

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

The undersigned officers designated by law as constituting the Canvassing Board for the County of _____, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the (insert election) held on (insert date), in _____ County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

Witness our hands and official seal this _____ day of (insert month, year).

County Auditor or Supervisor of Elections

Chairman, County Legislative Authority

County Prosecuting Attorney

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-262-030, filed 5/30/07, effective 6/30/07; 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-253-047. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where two ballots are found folded together, or where a voter has voted more than one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has voted for more candidates for an office than are permissible;

(f) In the case of a partisan primary, where the voter has voted for a write-in candidate for partisan office who has not filed a write-in declaration of candidacy, thereby affiliating with a major party.

(3) For physically separate ballots in a partisan primary:

(a) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.

(b) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank party ballot and counted.

(c) When a voted nonpartisan ballot and a voted party ballot are both returned, and nonpartisan races and ballot measures were voted on both ballots, the nonpartisan and ballot measure votes that are the same on each ballot and the partisan votes must be duplicated onto a blank party ballot and counted.

(d) When more than one voted party ballot is returned, the partisan votes may not be counted but the nonpartisan and ballot measure votes that are the same on both ballots must be duplicated onto a blank nonpartisan ballot and counted.

[Statutory Authority: RCW 29A.04.611, 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-262-105 Audit of results of votes cast on direct recording electronic device. In an audit, the county auditor must compare the paper records with the electronic results cast on the direct recording electronic devices.

(1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three

contests from each of the devices randomly selected for the audit.

(2) Only races and issues with more than ten votes cast on all direct recording electronic devices in the county may be selected for the audit. If the county does not have such a contest, it must not conduct the audit of paper records required by RCW 29A.60.185.

(3) Counties that utilized more than one direct recording electronic device in the primary or election must randomly select the devices until the aggregate total of votes cast in each selected contest is greater than ten. The devices must also be aggregated until the number of devices selected meets the minimum required by RCW 29A.60.185.

(4) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 and to resolve discrepancies identified in the audit must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit; and

(iii) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(5) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.

(6) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

(7) The aggregate total of paper records counted manually is subject to public disclosure.

[Statutory Authority: RCW 29A.04.611, 07-20-074, § 434-262-105, filed 10/1/07, effective 11/1/07; 07-09-036, § 434-262-105, filed 4/11/07, effective 5/12/07; 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

WAC 434-262-132 Election results for multicounty candidate races. In a candidate race in a multicounty jurisdiction, with the exception of certificates of election issued in accordance with RCW 29A.52.360 and 29A.52.370, the filing officer must collect and combine the certified results from the county canvassing boards in order to issue a certificate of election.

[Statutory Authority: RCW 29A.04.611, 07-20-074, § 434-262-132, filed 10/1/07, effective 11/1/07.]

WAC 434-262-133 Election results for multicounty local ballot measures. In a local ballot measure election for a multicounty jurisdiction, the county auditor from the county with the greatest number of registered voters in the jurisdiction must combine the final results for that ballot measure from all relevant counties.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-262-133, filed 10/1/07, effective 11/1/07.]

Chapter 434-264 WAC

RECOUNTS

(Formerly chapter 434-62 WAC)

WAC

434-264-005	Application.
434-264-010	Recount—Definition.
434-264-020	Recount—Restrictions.
434-264-030	Observers—Conduct.
434-264-040	Observers—Designated.
434-264-050	Observers—Priority.
434-264-060	Machine recount of votes cast on direct recording electronic devices.
434-264-070	Manual recount of votes cast on direct recording electronic devices.
434-264-080	Recount—Irregular votes.
434-264-090	Manual recount—Preparation.
434-264-100	Manual recount—Counting boards.
434-264-110	Manual recount—Process.
434-264-120	Recount—Interruption.
434-264-130	Recount—Completion.

WAC 434-264-005 Application. This chapter applies to all contests subject to a recount pursuant to chapter 29A.64 RCW and to manual and machine recounts unless otherwise noted. In addition, each county auditor must promulgate written procedures regarding the conduct of a recount.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-005, filed 5/30/07, effective 6/30/07.]

WAC 434-264-010 Recount—Definition. A recount is the process for retabulating the votes for a specific office or issue on all valid ballots cast in a primary or election.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

WAC 434-264-020 Recount—Restrictions. All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount of the original ballots.

However, if any ballots or votes are discovered during the recount process that were not originally counted, the ballots shall be presented to the county canvassing board in accordance with RCW 29A.60.021, and the county canvassing board shall determine whether such ballots are to be included in the recount.

Nothing in this section shall preclude the county canvassing board from canvassing a ballot or a vote not canvassed during the original or previous count.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-020, filed 5/30/07, effective 6/30/07.]

WAC 434-264-030 Observers—Conduct. Observers must be permitted to witness activities associated with the recount.

Any questions or objections by observers must be directed toward the county canvassing board, supervisory personnel or another designated staff person present at the recount. Under no circumstance may an observer interrupt the recount process in objection to the decision to count or not count a ballot.

The county auditor shall provide a copy of any additional guidelines that are established by the county canvassing board to each observer.

The county canvassing board or its designated representative may ask any observer who is causing a disruption to the recount process to leave the area.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-030, filed 5/30/07, effective 6/30/07.]

WAC 434-264-040 Observers—Designated. (1) In addition to the admittance of two observers for each side of a recount as required by RCW 29A.64.041, a county canvassing board is encouraged to request additional observers from each of the two major political parties, as space allows. If provided, the additional party observers may be stationed to observe each counting board's process and must be considered the official observers of the recount.

(2) One observer representing each candidate or the proponents or opponents to a measure may also be permitted to observe each counting board's process.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-040, filed 5/30/07, effective 6/30/07.]

WAC 434-264-050 Observers—Priority. Priority for viewing space shall be given in the following order:

- (1) Candidates of the affected race or their designated representative or to the designated representative for the proponents and opponents of any measure;
- (2) Each candidates' or representatives' counsel;
- (3) Designated party observer;
- (4) Additional observers for the candidates or ballot measure proponents or opponents; and then
- (5) General public and media.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-050, filed 5/30/07, effective 6/30/07.]

WAC 434-264-060 Machine recount of votes cast on direct recording electronic devices. Machine recounts must be conducted by reloading individual ballot data packs or cartridges. The county auditor must verify all data packs or cartridges have been loaded.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-060, filed 5/30/07, effective 6/30/07.]

WAC 434-264-070 Manual recount of votes cast on direct recording electronic devices. In a manual recount, the county auditor must compare the paper records with the electronic results cast on direct recording electronic devices.

(1) Written procedures to perform manual recounts of direct recording electronic devices must be promulgated by the county auditor. The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(a) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(b) If a paper record indicates a ballot has been canceled, the ballot must be exempt from the recount; and

(c) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(2) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary action to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.

(3) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-264-070, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-264-070, filed 5/30/07, effective 6/30/07.]

WAC 434-264-080 Recount—Irregular votes. For optical and digital scan ballots in which voter intent was not previously determined, the validity of the vote will be determined according to the statewide standards on determining voter intent manual required by WAC 434-261-086.

The county canvassing board must make the final determination of voter intent on ballots referred to the county canvassing board not addressed by the statewide standards on determining voter intent.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-080, filed 5/30/07, effective 6/30/07.]

WAC 434-264-090 Manual recount—Preparation. Prior to beginning a manual recount, all ballots that were originally tabulated at the poll site must be inspected. All ballots must be sorted by precinct. If a results report can be produced by batch, ballots may be sorted by batch.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-090, filed 5/30/07, effective 6/30/07.]

WAC 434-264-100 Manual recount—Counting boards. Each county auditor shall establish the number of counting boards to conduct the recount. Each board shall be comprised of no less than two members, made up of:

- (1) One representative from each of the two major political parties; or
- (2) Two staff persons.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-264-100, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-264-100, filed 5/30/07, effective 6/30/07.]

WAC 434-264-110 Manual recount—Process. The counting board may only count the responses for one race or measure at a time. The following process to count the ballots shall be used during a recount.

(1) Each counting board shall be given the ballots one precinct or batch at a time. The results from the original count shall not be given with the ballots. The precinct or batch number must be made available to any observers.

(2) The ballots shall be sorted into separate stacks for each of the candidates or side of a ballot measure. Additional stacks may be created for overvotes, undervotes, and write-ins.

(3) Each stack of ballots must be counted at least twice to confirm the number of votes in each stack. The results of the count shall not be shared until both persons have counted the ballots.

(4) Individual tallies for each stack shall be compared. If the counts match, the results shall be reported to the designated staff person and the results shall be compared to the results of the original count.

(5) If the counts do not match, the ballots shall be counted by the same counting board one more time. If the counts still do not match, the discrepancy must be reported to the designated staff person and the ballots referred to another counting board.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-110, filed 5/30/07, effective 6/30/07.]

WAC 434-264-120 Recount—Interruption. If the recount must be stopped prior to its completion for any reason, the ballots must be placed in secure storage until the resumption of the recount. The observers must be allowed to witness the sealing of the ballots and the recording of the seal numbers. Observers must also be allowed to witness the confirmation of the seal numbers at the resumption of the recount.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-120, filed 5/30/07, effective 6/30/07.]

WAC 434-264-130 Recount—Completion. On completion of the recount:

(1) The county auditor shall prepare an amended abstract of the recounted ballots for the county canvassing board. The amended abstract shall include a revised cumulative summary, as well as the votes cast in each precinct for the office or measure that was recounted.

(2) The results must be formally reviewed and approved by the county canvassing board.

(3) If the results of the manual count do not match the results of the original count, the county canvassing board shall verify all ballots have been recounted. The county canvassing board shall take all necessary steps to investigate and resolve any discrepancies.

(4) The county canvassing board shall certify the amended abstract that, for each precinct, displays the results of the office that has been recounted. The new abstract shall be included in the amended certified canvass report.

(5) Copies of the certified amended abstract will be distributed to the same persons or agencies as the original certified abstract of votes.

(6) The amended certified canvass report must be available to the public by the next business day following the recount.

(7) Interim reports of the recount may be published at the discretion of the county canvassing board.

(8) If the recount involves ballots from more than one county, the secretary of state may require that amended abstracts be certified by each county canvassing board on a uniform date.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-264-130, filed 5/30/07, effective 6/30/07.]

Chapter 434-324 WAC

STATEWIDE VOTER REGISTRATION DATA BASE (Formerly chapter 434-24 WAC)

WAC

434-324-005	Definitions.
434-324-010	County election management system—Applications for voter registration.
434-324-031	Electronic voter registration.
434-324-040	Data transfer to secretary and registration status.
434-324-045	Verification of applicant's identity.
434-324-055	Duplicate voter registration search conducted by secretary.
434-324-085	Notice of new registration or transfer.
434-324-190	Voter registration at driver's license facilities.
434-324-200	Registration procedure.
434-324-210	Oaths and warnings.
434-324-220	Transfer of information from the department of licensing to the secretary of state.
434-324-230	Weekly transmittal of data from the department of licensing to the secretary of state.
434-324-240	Transfer of data, and reports from the secretary of state to the county auditors.
434-324-250	Transfer of voter registration forms to counties.
434-324-260	Processing records received from the secretary of state.

WAC 434-324-005 Definitions. As used in this chapter:

(1) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.

(2) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.

(3) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.

(4) "County election management system" means software used by county auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.

(5) "County registration number" means an identifier assigned to each registered voter by the county auditor.

(6) "Motor voter data" means computer information concerning an applicant that is common to both driver's license and voter registration records. This includes name, address, date of birth, sex, the date of the application, the location of the office where the application was submitted, the applicant's driver's license number, the applicant's Social Security number (if provided), and the applicant's previous driver's license number if the applicant has changed names.

(7) "Electronic registration" means the electronic submission of voter registration applications.

(8) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration data base.

(9) "Late registration absentee ballot" means an absentee ballot cast by a voter who registered pursuant to RCW 29A.08.145 after the close of the regular registration period.

(10) "Licensing agent" or "agent" means the employees serving the public at driver's licensing offices operated by the department of licensing.

(11) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

(12) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

(13) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

(14) "Pending cancellation" means the registered voter's registration record must be canceled within a specified amount of time and he or she is not eligible to vote.

(15) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

(16) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

(17) "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.651.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-324-005, filed 11/30/07, effective 12/31/07; 07-12-032, § 434-324-005, filed 5/30/07, effective 6/30/07; 05-24-039, § 434-324-005, filed 11/30/05, effective 12/31/05.]

WAC 434-324-010 County election management system—Applications for voter registration.

(1) Each auditor must enter and maintain voter registration records in the official statewide voter registration data base by using a county election management system. Each record must contain at least the following information from the voter registration application in a format compatible with the official statewide voter registration data base:

- (a) Name;
- (b) Complete residential address;
- (c) Complete mailing address;
- (d) County registration number;
- (e) State registration number;
- (f) Gender;
- (g) Date of birth;
- (h) Date of registration;
- (i) Applicable district and precinct codes;
- (j) Dates upon which the individual has voted, if available;
- (k) Washington state driver license number, Washington state identification card number, and/or the last four digits of the applicant's Social Security number; and
- (l) A scanned image file (format .tiff) of the applicant's signature.

(2) In the case of an applicant who applies for voter registration by mail and sends a copy of one of the alternative forms of identification listed in RCW 29A.08.113 for registration purposes, the auditor must either maintain a scanned image of the identifying document or make a notation in the

registration record indicating which alternative form of identification was provided to the auditor. Pursuant to RCW 29A.08.710, a scanned image of the identification is not available for public inspection or copying.

(3) Upon entry of an applicant's information, the auditor must check for duplicate entries.

(4) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 07-24-044, § 434-324-010, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-324-010, filed 1/3/07, effective 2/3/07; 06-11-041, § 434-324-010, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

WAC 434-324-031 Electronic voter registration. (1)

The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license or state identification card;

(b) Require the applicant to affirmatively assent to the use of his or her driver's license or state identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration data base through the county election management system.

(2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration.

[Statutory Authority: RCW 29A.04.611, 07-24-044, § 434-324-031, filed 11/30/07, effective 12/31/07.]

WAC 434-324-040 Data transfer to secretary and registration status. (1) Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification. The secretary must assign the application a state identification number.

(2) If the applicant provided a Washington driver's license number or state identification card number, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified in the computerized verification process, the secretary must notify the county election management system accordingly. The county auditor must first confirm the accuracy of the information entered in the county election management system from the voter registration application. The county auditor must cor-

rect any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver's license number or state identification number and the identity is not verified in the computerized verification process, the information on the application may be considered a "match" if the number on the application exactly matches a number issued by the department of licensing, and it is clear to the county auditor that the information on the application describes the person on the department of licensing record. Reasons that the county auditor may conclude that the information on the application describes the person on the department of licensing record include, but are not limited to, the following:

(a) The first, middle, or last name on the application is a variation of the first, middle, or last name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first and last names are transposed on the application or in the department of licensing record;

(d) The first and middle names are transposed on the application or in the department of licensing record;

(e) The applicant has a compound or hyphenated name which is not accurately or completely set forth on the application or in the department of licensing record;

(f) The first or middle name is abbreviated with initials on the application or in the department of licensing record;

(g) The last name on the application and the last name in the department of licensing record are not the same but, based on other information, the county auditor concludes that one of the names is a maiden name or a former name of the same person; or

(h) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the county auditor concludes that the information on the application describes the person on the department of licensing record, the county auditor must override the computerized failure to verify and must note the reason it is considered a match. The county auditor must place the applicant on the official list of registered voters in active status.

(5) If the applicant's identity is not verified in the computerized verification process, either because the information did not match or because the applicant claimed he or she did not have a driver's license or Social Security number, the applicant must be provisionally registered. The registration record must be flagged as still requiring verification of the applicant's identity before the applicant's ballot may be counted.

[Statutory Authority: RCW 29A.04.611, 07-24-044, § 434-324-040, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-324-040, filed 1/3/07, effective 2/3/07; 06-14-050, § 434-324-040, filed 6/28/06, effective 7/29/06; 05-24-039, § 434-324-040, filed 11/30/05, effective 12/31/05.]

WAC 434-324-045 Verification of applicant's identity. (1) If the applicant is provisionally registered pursuant to WAC 434-324-040(5), the county auditor must verify the applicant's identity before counting the applicant's ballot. The county auditor may use other government resources and pub-

lic records to confirm the applicant's driver's license or state identification card number or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(2) If the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identity verification notice that includes a postage prepaid, preaddressed form by which the applicant may verify or send information. The identity verification notice must be in substantially the following form:

Dear Voter:

[date]

Thank you for submitting a voter registration application. Because we were unable to verify your identity based on the information you provided, you are now provisionally registered to vote.

Federal law requires that you provide identification either before or when you vote. **If you fail to provide identification, your ballot will not be counted.**

Please provide one of the following:

- The number on your Washington driver's license or state ID card: _____
Your name and date of birth as it appears on your driver's license or state ID card:

_____	_____	_____	_____
First	M.I.	Last	date of birth

- The last four digits of your Social Security number: _____
Your name and date of birth as maintained by the Social Security Administration:

_____	_____	_____	_____
First	M.I.	Last	date of birth

- A copy of one of the following:
 - Valid photo identification;
 - A valid enrollment card of a federally recognized tribe in Washington;
 - A current utility bill;
 - A current bank statement;
 - A current government check;
 - A current paycheck; or
 - A government document that shows both your name and address.

Please provide this documentation as soon possible. **If it is not provided, your ballot will not be counted.**

If you have any questions, please feel free to contact the _____ County Auditor's Office at _____.

(3) If the applicant responds with updated driver's license, state ID card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time he or she votes after registering.

(4) If the applicant fails to respond with adequate documentation to verify his or her identity, the applicant's voter registration record must remain flagged. If the applicant votes absentee, he or she must be notified that the ballot will not be counted unless he or she provides adequate verification of identity.

(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-324-045, filed 11/30/07, effective 12/31/07; 07-02-100, § 434-324-045, filed 1/3/07, effective 2/3/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-324-055 Duplicate voter registration search conducted by secretary. Upon receipt of an applicant's electronic voter registration record from the auditor, and on a monthly basis, the secretary must search for potential duplicate registration records in the official statewide voter registration data base by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring his or her registration to a new county or if any other information on the application has been updated, the auditor of the new county must update the registration record in the state data base. A duplicate registration record must not be maintained as a new registration record.

[Statutory Authority: RCW 29A.04.611. 07-02-100, § 434-324-055, filed 1/3/07, effective 2/3/07; 06-11-041, § 434-324-055, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-055, filed 11/30/05, effective 12/31/05.]

WAC 434-324-085 Notice of new registration or transfer. (1) The auditor must send an acknowledgement notice to an individual by nonforwardable, address correction requested mail if an individual:

- (a) Registers to vote;

(b) Transfers his or her registration record within the county;

(c) Transfers his or her registration record from another county within Washington state; or

(d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The notice must acknowledge that the request of the individual has been processed and must include:

(a) Voter's full name;

(b) Mailing address;

(c) County name;

(d) Precinct name and/or number; and

(e) The date the voter registered.

[Statutory Authority: RCW 29A.04.611. 07-02-100, § 434-324-085, filed 1/3/07, effective 2/3/07; 06-11-041, § 434-324-085, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-085, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-085, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

WAC 434-324-190 Voter registration at driver's license facilities. Pursuant to RCW 29A.08.340, a person may register to vote or transfer a voter registration when he or she applies for or renews a driver's license or state identification card.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-190, filed 5/30/07, effective 6/30/07.]

WAC 434-324-200 Registration procedure. When processing each applicant at a driver's licensing office, the agent must inquire whether the applicant wishes to register to vote or transfer his or her voter registration address. If the applicant answers affirmatively, the agent must ask the applicant if he or she is a United States citizen and is or will be eighteen years old by the next election. If the applicant answers these questions affirmatively, the agent shall present the voter a registration application prefilled with the voter's full name, address, mailing address, and driver's license or identification number. In addition, the applicant shall provide the following information:

(1) Residence address for voting purposes, if it is different from the address on the driver's license;

(2) Previous address at which he or she was registered to vote;

(3) Confirmation by checking the appropriate boxes that he or she is a United States citizen and will be eighteen years of age or older at the time of the next election; and

(4) Military status by checking the appropriate box on the application.

Additionally the applicant may optionally provide the following information in writing:

(a) Daytime phone number; and

(b) E-mail address.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-200, filed 5/30/07, effective 6/30/07.]

WAC 434-324-210 Oaths and warnings. The agent must request that the applicant read the warning concerning fraudulent registration. The applicant must then sign the required oath including an attestation to his or her citizenship.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-210, filed 5/30/07, effective 6/30/07.]

WAC 434-324-220 Transfer of information from the department of licensing to the secretary of state. The completed voter registration application forms must be transmitted by the department of licensing to the secretary of state at least once each week.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-220, filed 5/30/07, effective 6/30/07.]

WAC 434-324-230 Weekly transmittal of data from the department of licensing to the secretary of state. Once each week, the motor voter data processing division of the department of licensing must electronically transmit that week's computer data record of the voter registration transactions to the secretary of state. There must be one record for each transaction, which must contain at least the following information: The name, address, date of birth, sex, and driver's license number of the applicant, the applicant's Social Security number (if provided), the applicant's previous driver's license number in the case of a name change, the date on which the application was submitted, and the location of the office at which the application was submitted.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-230, filed 5/30/07, effective 6/30/07.]

WAC 434-324-240 Transfer of data, and reports from the secretary of state to the county auditors. Each week, the secretary of state must amend any computer record that requires an address for voting purposes that is different from the one supplied to the department of licensing. The computer records must then be sorted according to the county in which the voter applicant resides.

The secretary of state shall produce a list of voter transactions by county. This list shall be transmitted to each county and shall contain at least the voters' names, addresses, mailing addresses, and birthdates.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-240, filed 5/30/07, effective 6/30/07.]

WAC 434-324-250 Transfer of voter registration forms to counties. The completed voter registration application forms must be sorted by county. These forms must then be shipped to the county auditors. This shipment must be made as soon as possible, no later than ten days after the secretary of state receives the motor voter data from the department of licensing. If there are no applications for a county the secretary of state shall immediately notify the county auditor.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-250, filed 5/30/07, effective 6/30/07.]

WAC 434-324-260 Processing records received from the secretary of state. Whenever a county auditor receives a shipment of voter registration information from the secretary of state, the records shall be processed in a timely manner. Any voter registrations that the county auditor receives for a voter residing in another county shall be forwarded to the appropriate county auditor as soon as possible after receipt.

These records shall be processed by entering the applicant's information into the county auditor's local data base

and sending the information to the statewide voter registration data base. A voter identification number, precinct codes, levy codes and any other information assigned to regular registrations shall be assigned to motor voter registrations.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-324-260, filed 5/30/07, effective 6/30/07.]

Chapter 434-335 WAC

VOTING SYSTEMS

(Formerly chapter 434-333 WAC)

WAC

434-335-010	Certification of voting equipment.
434-335-030	Initial application for certification.
434-335-060	Examination of equipment.
434-335-190	Restricted period.
434-335-605	Initial application for approval.
434-335-615	Examination of signature verification system.
434-335-625	Signature verification system acceptance testing.
434-335-635	Signature verification system approval report.

WAC 434-335-010 Certification of voting equipment. All voting systems, voting devices, and vote tallying systems must meet applicable federal standards and be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.020.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-335-010, filed 5/30/07, effective 6/30/07; 06-14-050, § 434-335-010, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-010, filed 8/29/05, effective 9/29/05.]

WAC 434-335-030 Initial application for certification. Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification December 1st and ending June 30th the following year. Certification examinations and hearings are only conducted between December 1st and September 15th of each year.

(1) The application must include, but is not limited to, the following information:

(a) Description of the applicant, business address, customer references, and list of election products.

(b) Description of the equipment under review, version numbers, release numbers, operating and maintenance manuals, training materials, and technical and operational specifications.

(c) Documentation of all other states that have tested, certified and used the equipment in a binding election, and the length of time used in that state. The information for each state must include the version numbers of the operating system, software, and firmware, the dates and jurisdictions, and any reports compiled by state or local governments concerning the performance of the system.

(d) A monetary deposit as described in WAC 434-335-080.

(e) A copy of a letter from the applicant to each independent testing authority (ITA) which:

(i) Directs the ITA to send a copy of the completed ITA qualification report to the secretary of state;

(ii) Authorizes the ITA to discuss testing procedures and findings with the secretary of state; and

(iii) Authorizes the ITA to allow the secretary of state to review all records of any qualification testing conducted on the equipment.

(f) A technical data package (TDP) conforming to the 2002 *FEC Federal Voting Systems Standards (FVSS)*, Vol. II, Sec. 2 standards that includes:

(i) Identification of all COTS hardware and software products and communications services used in the operation of the voting system (ref. FVSS, 2.2.1.e);

(ii) A system functionality description (ref. FVSS, 2.3);

(iii) A system security specification (ref. FVSS, 2.6);

(iv) System operations procedures (ref. FVSS, 2.8);

(v) System maintenance procedures (ref. FVSS, 2.9);

(vi) Personnel deployment and training requirements (ref. FVSS, 2.10);

(vii) Configuration management plan (ref. FVSS, 2.11);

(viii) System change notes (if applicable, ref. FVSS, 2.13);

(ix) A system change list, if any, of modifications currently in development;

(x) A system usability testing report; and

(xi) A set of procedures for county personnel on how the operating system, equipment, and application software should be optimally configured and used in a secure environment.

(2) The vendor must either file the system executables for the certified system with the National Software Reference Library (NSRL) or place the source code of an electronic voting system in escrow, which must be accessible by the secretary of state under prescribed conditions.

(3) All documents, or portions of documents, containing proprietary information are not subject to public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-335-030, filed 11/30/07, effective 12/31/07; 07-20-074, § 434-335-030, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-335-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-030, filed 8/29/05, effective 9/29/05.]

WAC 434-335-060 Examination of equipment. Secretary of state staff will initiate an examination of the applicant's equipment after receiving a completed application and a working model of the equipment, documentation, and software to be reviewed. The examination consists of a series of functional application tests designed to insure that the system or equipment meets all applicable federal guidelines, and state law and rules. The examination may include an additional independent testing authority test at the discretion of the secretary of state. The examination shall include the setup and conduct of two mock elections. The applicant shall provide ballot materials after the secretary of state has set up the programming to create these elections. The independent testing authority will provide the voting system software they tested directly to the secretary of state.

(1) The first election must replicate an even year general election.

(2) The second election must replicate an odd year primary, and include the use of split precincts and precinct election officer contests.

Both elections must feature at least ten precincts, with at least ten ballots in each precinct. The tests must include ballots of various ballot codes, including multiple candidates, cumulative reports, precinct reports, and canvass reports, as detailed in the test plan provided by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 07-24-044, § 434-335-060, filed 11/30/07, effective 12/31/07; 05-18-022, § 434-335-060, filed 8/29/05, effective 9/29/05.]

WAC 434-335-190 Restricted period. No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between June 15th and November 30th of the same year without permission from the secretary of state. Such permission must be specific to the change and to the county making the change.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-335-190, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-335-190, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-335-190, filed 5/10/06, effective 6/10/06; 05-18-022, § 434-335-190, filed 8/29/05, effective 9/29/05.]

WAC 434-335-605 Initial application for approval. Any vendor requesting approval of an automatic signature verification system for use with a specific election management system must complete and submit an application to the secretary of state. The secretary of state shall coordinate its review of the system with the vendor and the participating county.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-335-605, filed 5/30/07, effective 6/30/07.]

WAC 434-335-615 Examination of signature verification system. Prior to its use or purchase by any Washington county, an automated signature verification system must be reviewed and approved by the secretary of state for use with that county's particular election management system.

Prior to approval, an automated signature verification system must:

(1) Be able to integrate with the election management system in use by the test county and the ballot accountability processes implemented by the county;

(2) Have variable levels of confidence which the county may adjust and set to the level as subscribed by the secretary of state in the system's approval report; and

(3) Provide a setting that must not accept a signature that an election worker with required signature training should not accept.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-335-615, filed 5/30/07, effective 6/30/07.]

WAC 434-335-625 Signature verification system acceptance testing. An agreement by a county auditor to purchase a signature verification system is subject to that system passing an acceptance test that demonstrates the system is operating as it was when it was approved by the secretary

of state. The minimum acceptance test standards are listed below.

(1) The version number of the signature verification software must be the same as the version number of the software approved by the secretary of state. Any hardware must be the same model number and contain the same version of firmware that is certified by the secretary of state.

(2) The county auditor must receive all training and manuals necessary for the proper operation of the system.

(3) The county auditor must perform a series of tests to verify that the software is not accepting signatures that the county auditor's trained signature verification personnel would not accept. The test should include the county auditor's own signature envelopes, and be run against the county auditor's election management system signatures.

(4) The county auditor must perform a series of tests to verify the system integrates with the county election management system and ballot accountability processes.

(5) The county auditor must include the secretary of state where the signature verification system is being integrated with an election management system that has not been previously approved for that system.

(6) When participation by the secretary of state is not required under these rules, the county auditor must certify the results of the acceptance tests to the secretary of state. The certification must include version numbers of hardware, software and firmware installed and tested and ballot accountability procedures which incorporate the signature verification system.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-335-625, filed 5/30/07, effective 6/30/07.]

WAC 434-335-635 Signature verification system approval report. No more than fourteen days following the approval of an automated signature verification system, the secretary of state must issue a written approval report that specifies the approved use of the system and conditions of its use. The approval must include the prescribed setting for the confidence level for either accepting or rejecting signatures. Signature verification systems are only approved for use with election management systems included in the approval report.

[Statutory Authority: RCW 29A.04.611. 07-12-032, § 434-335-635, filed 5/30/07, effective 6/30/07.]

Chapter 434-840 WAC

ADDRESS CONFIDENTIALITY PROGRAM

WAC

434-840-340 Processing protected records voter ballot.

WAC 434-840-340 Processing protected records voter ballot. (1) The ongoing absentee ballot for a protected records voter shall be prepared by county authorized personnel in the following manner:

(a) The ballot, ballot security envelope, and return envelope with oath must be placed in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code shall be entered onto the return envelope to ensure that the returned

ballot will be segregated and routed to authorized personnel for processing;

(2) The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:

(a) The authorized personnel shall compare the signature on the returned ballot envelope with the signature on the address confidentiality program voter registration application;

(b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and notify the appropriate county authorized personnel of any relevant information, that should be considered by the county canvassing board.

(3) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election. Authorized personnel shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

[Statutory Authority: RCW 29A.04.611. 07-09-036, § 434-840-340, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-340, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-340, filed 9/26/91, effective 10/27/91.]